

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LAND ACQUISITION – Visakhapatnam District – Peddagantyada (Village & Mandal) – Sy.No.96/2B, 97/2B, 99/1, 100/IC and 101/3 to an extent of 28.56 acres – Land Acquired for rehabilitation purpose by Visakhapatnam Steel Plant – De-notification of lands under Section 48(1) of Land Acquisition Act – Cancellation – Orders – Issued.

REVENUE (LAND ACQUISITION) DEPARTMENT

G.O.Ms.No.70,

Dated: 27-02-2015.
Read the following:-

- 1) G.O.Ms.No.683, Revenue (LA) Department, dated 27.06.2011.
- 2) From the Collector, Visakhapatnam District, Lr.Rc.No.3051/2011/G4, dated 25.07.2011.
- 3) From the Gangavaram Port Limited, Jublee Hills, Hyderabad, Lr.No.GPL/Rev/420, dated 05.08.2011 and 17.01.2013.
- 4) From the Spl. CS & CCLA, AP, Hyderabad, Lr.No.G1/1105/2011, dated 09.08.2011 .
- 5) From M/s Gangavaram Port Limited, Letter dated 23.09.2014.
- 6) M/s Gangavaram Port Limited, Lr.No.GPL/Revenue/452, dated 25.02.2015.

ORDER:-

In the Government Order 1st read above orders were issued withdrawing the Land Acquisition proceedings and de-notifying the land to an extent of Ac.28.56 cents in Sy.No.96/2B, 97/2B, 99/1 100/IC & 101/3 of Pedagantyada Village & Mandal, Visakhapatnam District, which was taken possession under the L.A.Act, from acquisition under section 48 (1) of L.A. Act, 1894, subject to condition that the Collector, Visakhapatnam shall obtain undertaking for repayment of the compensation from the land owners (who were paid compensation) before the land is officially re-conveyed.

2. In the letter 2nd read above, the Collector, Visakhapatnam District, has requested the Government to examine and reconsider the decision of the Government in view of orders of Hon'ble Supreme Court and Hon'ble High Court of A.P., in similar cases according to which, land acquired once cannot be re-conveyed and issue necessary instructions on implementation of Government Order, as it may have wider ramification on large extent of above Ac.16,000.00 cents, of unutilized land lying with Visakhapatnam Steel Plant which is very much required for other public purposes, since the City is fast developing with intense Industrial promotion activity.

3. Mean while, M/s Gangavaram Port Limited, have filed a Writ Petition in the Hon'ble High Court challenging the above Government Order, and with a prayer to suspend the same. The Hon'ble High Court in its interim orders dated 10-08-2011 in WPMP No.26891 of 2011 in WP No.22069 of 2011 has suspended the Government Order.

4. In the letter 4th read above, the Chief Commissioner of Land Administration, A.P., Hyderabad, has requested the Government to reconsider the re-conveyance of land issued by G.O.Ms.No.683, Revenue (LA) Department, dated 27-06-2011, as it is contrary to the directions of the Hon'ble Supreme Court of India, and land was allotted to Port Trust who alienated it to Gangavaram Port Trust.

5. Subsequently, the Director, Gangavaram Port Trust, in his representation 5th read above has informed that the subject land mentioned in the Government Order is part of 1800 acres of land that was transferred through a registered sale deed by the Government of A.P. as its equity to GPL, and hence, the said G.O. will affect the extent of equity held by the Government of A.P. in GPL, as unless the said G.O. is cancelled immediately, the Government of A.P. equity will get reduced to that extent in GPL, which will be a substantial financial loss to the Government of A.P., and requested the Government to cancel the said G.O., immediately. In their further representation 6th read above, they have stated that they under take to withdraw the above writ petition pending in the Hon'ble High Court as soon as the above Government Order is cancelled.

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6. Government have examined the matter in detail and found that legal position is that once a notification is issued under the provisions of the Land Acquisition Act, 1894, and an Award has been passed pursuant to the said notification and possession has been taken, the question of de-notification of the land, which is the subject matter of the award, does not arise. The Hon'ble Courts have taken the view that once possession is taken, the question of de-notification does not arise. Further, if it is not required for one "public purpose", it can certainly be utilized for any other public purpose, as the same would become the property of the Government. The original land owners can never get possession back, once possession is taken by the Government and the question of re-conveying the land to them does not arise under law.

7. In the circumstances reported by the Collector, Visakhapatnam District and the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad, and the provisions of law, Government after careful examination of the matter hereby order to cancel the orders issued in G.O.Ms.No.683, Revenue (LA) Department, dated 27-06-2011.

8. The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad and the District Collector, Visakhapatnam shall take further necessary action, accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHA PRADESH)

J.C. SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.
The Collector, Visakhapatnam District.
The Industries & Commerce Department.
The Managing Director, Gangavaram Port Trust Limited, Hyderabad.
The Managing Director, Steel Plant, Visakhapatnam.

Copy to:

PS to Secretary to CM.
OSD to Deputy CM (Revenue).
PS to Principal Secretary (Revenue).
The Law (H) Department.
SF / SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER